



PUBLIC UTILITIES COMMISSION

August 14, 1991

CAD BULLETIN: 91-5

TO: ALL TELEPHONE UTILITIES

FROM: BARBARA R. ALEXANDER, DIRECTOR, CAD *BAlexander*

SUBJECT: DISCONNECTION FOR NONPAYMENT OF 1-900 CHARGES

The attached communication from AT&T sent to at least one telephone company in Maine does not reflect Maine law. L.D. 1659, An Act to Protect Consumers from Unfair and Deceptive Telephone Practices, P.L. 1991, c. 524, is effective October 8, 1991. It adds a new Chapter 8 to 35-A M.R.S.A. and provides that:

§802 Disconnection prohibited.

1. Prohibition. A collection utility may not disconnect a customer's basic telephone service or send a customer any notice of basic telephone service disconnection because of a customer's failure to pay an audiotext service charge.

This prohibition on disconnection applies to all audiotext service charges, defined to include "... informational or other services for which, in addition to any message toll service charge, a fee is levied on a per-call or per-minute basis by a provider that leases telephone lines from a long-distance telephone company ..." P.L. 1991, c. 524, §6 (35-A M.R.S.A. §801(1)). It is our understanding that all 1-900 calls include a charge in addition to the normal toll charge for a long distance call. This definition does not depend on whether the 1-900 service charge is tarified.

Therefore, the AT&T directive that seeks to encourage the local telephone company to include certain federally tarified 1-900 charges in a disconnection notice should not be followed in Maine.

This is an informal staff interpretation. A utility has the right to seek a more formal Advisory Ruling from the Commission pursuant to Chapter 110 of the Commission's rules.

BA/bh
Attachment



A215-0101

July 17, 1991

Billing Supplier Manager
100 Naricon Place
East Brunswick, NJ 08816

Information Letter# 1061

Subject: AT&T MultiQuest® Service - Premium Billing Policy
Affecting Denial for Non-Payment Criteria

This letter is intended to clarify procedures used for determining the appropriateness to disconnect local service where AT&T charges are involved.

Presently, there are two separate and distinct AT&T MultiQuest 900 offerings: AT&T MultiQuest Tariffed Service and AT&T MultiQuest Non-Tariffed Service (also known as PREMIUM Billing Agreement).

AT&T MultiQuest Tariffed Service is defined as a basic regulated telecommunications service and, as such, the caller is responsible for the communications charges. Charges for AT&T's MultiQuest Tariffed Service can be identified on a caller's bill by reference to the following six 900 NXX's.

210 220 350 407 590 720

Non payment of AT&T MultiQuest Tariffed Service charges CAN result in the termination of service. Therefore, unpaid charges for calls to the above six 900 NXX's can be included when denial of service is indicated.

AT&T MultiQuest Non-Tariffed Service (also known as PREMIUM Billing Agreement) is a billing arrangement that permits AT&T to collect monies on behalf of sponsors from callers to sponsor programs on AT&T MultiQuest Broadcaster, AT&T MultiQuest Call Counter and AT&T MultiQuest Interacter Service for the value of the messages received, or as caller contributions to charitable organizations or political campaigns. With PREMIUM billing the sponsor, not the caller, is the customer of the AT&T MultiQuest Tariffed Service and is thus responsible for payment of AT&T's tariff charges. The callers are responsible for payment of the non-regulated PREMIUM billed charges of the sponsor. All PREMIUM billed charges are classified as non-communications charges.

Subject: AT&T MultiQuest Service - Premium Billing Policy
Affecting Denial for Non-Payment Criteria

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The FCC has ruled that Tariffed communication service cannot be disconnected based on a caller's failure to pay PREMIUM billed charges. Accordingly, non-payment of AT&T MultiQuest Non-Tariffed Service charges CANNOT result in the termination of service. When an account is reviewed for denial of service for non-payment, PREMIUM billed charges must be excluded from the overdue balance amount used to support the LEC denial criteria.

Please refer any questions regarding this information to the person as indicated on Attachment I.

RECOMMENDED BY:

Lois Erickson

Lois Erickson
Staff Manager
Billing Supplier Management

Patricia Roth

Patricia Roth
District Manager
Billing Supplier Management

Attachment

® - Registered Service Mark of AT&T

Attachment 1

Please direct any questions to one of the following contacts:

Contracted Service Bureaus

- Patricia Quinn
(908) 519-4551

ICOs Located in the following states:

CT, DE, MA, MD, ME, NH, NJ, NY, PA,
RI, VA, VT, WV

- Robert Frees
(908) 519-4668

AZ, CA, CO, IA, ID, IL, IN, MI, MN,
MT, ND, NM, NE, NV, OH, OR, SD, UT,
WA, WI, WY

- Darlene Love
(908) 519-4580

AL, AR, FL, GA, KS, KY, LA, MO, MS,
NC, OK, SC, TN, TX

- Charles Micele
(908) 519-4679

BA

APPROVED

JUN 30 '91

BY GOVERNOR

CHAPTER

524

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

H.P. 1134 - L.D. 1659

An Act to Protect Consumers from Unfair and Deceptive
Telephone Practices

*Dawn
Joel
Joel
Peter B
Chuck C.
Cheryl H.
mail to her
address*

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 9-A MRSA §5-117 is enacted to read:

§5-117. Prohibited practices

A seller may not:

1. Misrepresentations. Misrepresent any material fact relating to the terms or conditions of sale;

2. False impressions. Create an impression that is false or the seller does not believe to be true; and

3. False promises. Promise performance that the seller does not intend to perform or knows will not be performed.

Sec. 2. 10 MRSA §1498, sub-§3, as enacted by PL 1989, c. 775, is amended to read:

3. Restriction. A person may not use an automated telephone calling device to make solicitation calls to any telephone number in the State except weekdays between 9 a.m. and 5 p.m., according to the time in this State, and may not complete more than one solicitation call to any telephone number during each 8-hour period. In addition, the person using the device to place the call shall ensure that the device disconnects no more than 5 seconds following the disconnection of the telephone number called.

Sec. 3. 10 MRSA §1498, sub-§7, ¶A-1 is enacted to read:

A-1. A full transcript of every message that the registrant will transmit to consumers in the course of a solicitation call;

Sec. 4. 32 MRSA §4671 is enacted to read:

§4671. Prohibited practices

A seller may not:

1. Misrepresentations. Misrepresent any material fact relating to the terms or conditions of sale;

2. False impressions. Create an impression that is false or the seller does not believe to be true; and

3. False promises. Promise performance that the seller does not intend to perform or knows will not be performed.

Sec. 5. 32 MRSA §4690 is enacted to read:

§4690. Prohibited practices

A seller may not:

1. Misrepresentations. Misrepresent any material fact relating to the terms or conditions of sale;

2. False impressions. Create an impression that is false or the seller does not believe to be true; and

3. False promises. Promise performance that the seller does not intend to perform or knows will not be performed.

Sec. 6. 35-A MRSA c. 8 is enacted to read:

CHAPTER 8

COLLECTION FOR AUDIOTEXT SERVICE CHARGES

§801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Audiotext services. "Audiotext services" means informational or other services for which, in addition to any

message toll service charge, a fee is levied on a per-call or per-minute basis by a provider that leases telephone lines from a long-distance telephone company for the purpose of providing such services to consumers. "Audiotext services" includes informational or other services provided for a charge, in addition to any message toll service charges by means of prerecorded messages on 900, 976 and similar leased telephone lines and includes usage-sensitive or interactive recordings. "Audiotext services" also includes informational or other services provided for a charge by means of collect telephone calls to consumers.

2. Carrier. "Carrier" means the long-distance telephone company or other person or entity that is the lessor of the telephone lines leased to the provider for the purpose of providing audiotext services to consumers for a charge.

3. Collecting utility. "Collecting utility" means the local utility that is responsible for collecting from consumers the charges imposed for audiotext services.

4. Provider. "Provider" means the person or entity providing audiotext services to consumers for a charge.

5. Solicitation program. "Solicitation program" means all advertising messages used by a provider to solicit purchases of audiotext services, whether in print or a recorded or live message, however transmitted.

§802. Disconnection prohibited

1. Prohibition. A collecting utility may not disconnect a customer's basic telephone service or send a customer any notice of basic telephone service disconnection because of a customer's failure to pay an audiotext service charge.

2. Expedited procedures. If requested by a local exchange carrier, the commission shall adopt expedited procedures to allow blocking of audiotext services by a collecting utility when a customer repeatedly fails to pay undisputed charges assessed for use of audiotext services.

§803. Blocking service

Where facilities are available, a collecting utility shall provide all one-party residential and single-line business telephone subscribers with an opportunity to block the access of audiotext service providers to subscribers' telephone lines free of charge and with an opportunity to reopen such access. A utility may not charge for customers' first exercise of either

option. Thereafter, collecting utilities shall continue to offer subscribers the ability to block and reopen such access, but may charge a fee for provision of this service, which may not exceed \$5 for each occasion on which the service is provided. Every 4 years, beginning on January 1, 1995, the commission shall review the appropriateness of this \$5 fee and shall report to the joint standing committee of the Legislature having jurisdiction over utility matters its recommendations for any change in the fee. The collecting utility may appeal to the commission for an extension to meet the requirements of this section. The commission may, for good cause shown, grant an extension.

§804. Collection procedures

1. Billing. A collecting utility that includes charges for audiotext services in a bill for basic telephone services must individually highlight or identify the charges for audiotext services. In addition, a collecting utility shall on a quarterly basis, either on the bill or on an insert, provide information describing the consumer's rights and responsibilities regarding audiotext services.

2. Rules. No later than April 1, 1992 the commission must complete a rule-making proceeding to determine the bill and insert formats described in subsection 1. Collecting utilities may appeal to the commission for an extension to meet the requirements of this section. The commission may, for good cause shown, grant an extension.

3. Special considerations. In establishing a compliance deadline and specific requirements under this section, the commission may take into account the costs incurred by the collecting utility and the utility's ability to shift those costs to carriers or providers of audiotext services.

§805. Complaint procedures

1. Review for compliance with standards. When a consumer disputes a charge for audiotext services, the collecting utility, if responsible for billing for audiotext services, must either delete the charges from the customer's bill for basic telephone service or investigate and in good faith attempt to resolve the dispute. At a minimum, "investigate and in good faith attempt to resolve the dispute" means that the collecting utility, if responsible for billing audiotext services, must require the provider or carrier to demonstrate compliance with applicable rules of the Federal Communications Commission and any applicable rules adopted by the Attorney General pursuant to the Maine Unfair Trade Practices Act.

2. Compliance with commission rules. The collecting utility must observe complaint procedures established by applicable commission rules.

3. Access to records. Collecting utilities shall afford reasonable access to all records and documents relating to consumer complaints to the commission and to the Attorney General upon request.

§806. Audiotext service standards

Any audiotext provider who does business in this State providing live or recorded solicitation programs and audiotext services must provide these programs and services in a manner that is free of extraneous sounds or other distractions that unduly delay the conveyance of the message, that is clearly audible, articulate and intelligible, and that uses plain language spoken at a normal cadence. Audiotext services must employ the same language used in the related solicitation program.

§807. Commission rules

The commission may adopt rules pursuant to the Maine Administrative Procedure Act to implement the requirements of this chapter.

§808. Penalties

Violation of this chapter is a violation of the Maine Unfair Trade Practices Act.